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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/580,620	05/24/2006	Sint Baron	NL03 1411 US1	5565
24738 7590 08/21/2009 PHILIPS INTELLECTUAL PROPERTY & STANDARDS PO BOX 3001 BRIARCLIFF MANOR, NY 10510-8001				
EXAMINER				
MCDONALD, SHANTESE L				
ART UNIT		PAPER NUMBER		
3723				
MAIL DATE		DELIVERY MODE		
08/21/2009		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/580,620

Applicant(s)

BARON ET AL.

Examiner

SHANTESE MCDONALD

Art Unit

3723

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 July 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) 1 and 4-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) 1, 4 and 6-14 is/are rejected.
- 7) ☐ Claim(s) 5 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-946)
- 3) ☐ Information Disclosure Statement(s) (PTO/CDC)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____
- Paper No(s)/Mail Date _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1,4,8-10 and 12 are rejected under 35 U.S.C. 102(e) as being anticipated by Yamaguchi et al.

Yamaguchi et al. teaches a shaving apparatus comprising at least one shaving head, 54, including a shaving surface for contacting skin during shaving and at least one cutter, 51, that is moveable behind the shaving surface, (fig. 26), a drive structure including a motor, 3, coupled to the at least one cutter for driving the movement of the at least one cutter, electric power supply means, 9, connected to the motor, a housing, 8,12, containing the motor and at least part of the electric power supply means, (the part of the plug, 9, that is connected to the motor), and carrying the drive structure, (col. 3, lines 28-45), a detachable shell structure, 7, enveloping at least a circumference of the housing behind the at least one shaving head when mounted to the housing, a shaving head holder support, 155, carrying the shaving head holder to which the at least one shaving head is mounted, wherein the shell extends at least from a face against which the at least one shaving head holder support is mounted to a power plug socket, 9, at

an end of the housing opposite from the face against which the at least one shaving head holder support is mounted, wherein the shell structure fully envelops the housing at least between the face against which the at least one shaving head holder support is mounted and the power plug socket, (fig. 7). Yamaguchi also teaches that the shell structure includes shell portion spaced from the housing such that an interspace is left between the housing and the shell portions, (fig. 4), the housing including at least a first operating member, and the shell structure including at least a second operating member, S, mechanically and electrically connected with the first operating member, (col. 3, lines 25-27), and the shell structure consisting of two shell portions, having shapes different from each other, (the shell portion with the hole for the switch, S, is shaped differently than the other shell portion).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 6,7,11 and 13-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yamaguchi et al. in view of Maraguchi et al.

Yamaguchi et al. teaches all the limitations of the claims except for at least a portion of the shell structure being of a more impact resistant material than the housing, a portion of the shell structure is of a softer material than the housing, an optical signaling member, and the shell structure including a window via which optical signals generated by the optical signaling member are visible, an assortment of at least two shaving apparatus, and at least two shell structures. Maraguchi et al. teaches an optical signaling member, and the shell structure including a window via which optical signals generated by the optical signaling member are visible, (col. 4, lines 49-53, fig. 1). It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the tool of Yamaguchi with an optical signaling member, as taught by Maraguchi, in order to enhance the functionality of the tool. It would have been further obvious to provide the tool with least a portion of the shell structure being of a more impact resistant material than the housing, a portion of the shell structure is of a softer material than the housing, as a matter of obvious design choice. It would have been further obvious to provide an assortment of two shaving apparatuses, since it is well known to manufacture multiple apparatuses. It would have been obvious to provide two shell structures, since it has been held that mere duplication of the essential working parts of a device involves only routine skill in the art.

Allowable Subject Matter

Claim 5 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

Applicant's arguments with respect to claims 1,4 and 6-15 have been considered but are moot in view of the new ground(s) of rejection.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to SHANTESE MCDONALD whose telephone number is (571)272-4486. The examiner can normally be reached on 8:00 a.m. - 4:30 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Hail can be reached on (571) 272-4485. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

S. L.M.
August 19, 2009

/Joseph J. Hail, III/

Supervisory Patent Examiner, Art Unit 3723